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10/576,588

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Kunio Gobara

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RATNERPRESTIA

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EXAMINER

NICKERSON, JEFFREY L

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/576,588

Applicant(s)

GOBARA ET AL.

Examiner

JEFFREY NICKERSON

Art Unit

2442

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 89-126 and 128-137 is/are pending in the application.
- 5a) Of the above claim(s) 94-112 and 117-125 is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 89-93, 113-116, 126 and 128-137 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/11/2011</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

### **DETAILED ACTION**

1. This communication is in response to Application No. 10/576,588 filed nationally on 21 April 2006 and internationally on 29 October 2004. The response presented on 27 September 2011, which presents arguments, is hereby acknowledged. Claims 89-126 and 128-137 are currently pending; claims 94-112 and 117-125 remain withdrawn from consideration; claims 89-93, 113-116, 126, and 128-137 are subject to examination.

### ***Double Patenting***

2. Applicant's arguments, presented in the response dated 17 March 2011, regarding the double patenting rejections have been fully considered. All outstanding provisional double patenting rejections are being held in abeyance.

### ***35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### ***Response to Arguments***

4. Applicant's arguments, filed in the response dated 27 September 2011, with respect to the rejections under 35 USC 103(a) have been fully considered but they are not persuasive.

Independent claims 89, 113, and 126

Applicant argues the combined teachings fail to render obvious at least one limitation within these claims. Specifically, applicant argues the combined teachings fail to render obvious the following:

*“transmitting a bubble packet ...”;*

*“transmitting a plurality of reply packets to a bubble packet transmitting port...”*

*where the bubble packet transmitting port is shown by bubble packet transmitting port information”;*

*“the plurality of reply packet transmitting ports includes the destination bubble packet transmitting port”.*

Applicant’s arguments are based on the premise that since Takeda02 does not disclose transmitting a bubble packet, it is impossible for Takeda02 to teach the above-argued limitations. Applicant further argues Takeda02 lacks the claimed timing of transmitting the bubble packet and then the reply packets as claimed.

The examiner respectfully disagrees and finds these arguments unpersuasive. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the instant case, applicant repeatedly addresses alleged deficiencies of Takeda02 without any consideration to the primary reference of Takeda01. The

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examiner relied on Takeda02 solely for teaching that the reply packets could be a plurality of reply packets to a single port (Takeda02: section 6.4 TRY listing, TRY 1 and TRY5). Takeda01 was relied upon for transmitting a bubble packet (Takeda01: Figure 16b, step 1610-1616 breakout packets; [0194]); transmitting a reply packet to a bubble packet transmitting port, where the bubble packet transmitting port is shown by bubble packet transmitting port information (Takeda01: Fig. 16C, 1630-1634; [0200]-[0202]); and wherein the reply packet transmitting port includes the destination bubble packet transmitting port (Takeda01: Fig. 16C, 1630-1634; [0200]-[0202]).

Applicant further argues that the claimed invention would not be obvious in light of the combined teachings because the claimed invention allows for flexible port allocation (whereas Takeda02's reply packet ports are allegedly fixed), and that the plurality of reply packets are transmitted and received directly between two terminals without any server.

The examiner respectfully disagrees and finds these arguments unpersuasive.

Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., both "flexible port allocation" and "directly between two terminals without any server whatsoever") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant further argues the claimed teachings fail to render obvious the following:

*“the plurality of reply transmitting ports including the destination bubble packet transmitting port”.*

Applicant's arguments are based on the premise that Takeda02 fails to teach this because there is neither a bubble packet nor peer to peer communication.

The examiner respectfully disagrees and finds these arguments unpersuasive. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Takeda01 was relied upon to teach that the reply packet transmitting port includes the destination bubble packet transmitting port (Takeda01: Fig. 16C, 1630-1634; [0200]-[0202]). Takeda01 teaches that the reply packet contains the “breakout-packet's port”, ie the port the bubble packet was transmitted from, as a destination port in order to setup p2p communications (Takeda01: Fig. 16B, 16C; [0200]-[0202], port 50014 in this example). Takeda02 was relied upon for teaching that plural reply packets can be sent to a single port.

Applicant's arguments were ultimately unpersuasive and, therefore, the rejections of these claims are hereby maintained.

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Dependent claims 90-93, 114-116, 128-137

Applicant argues these claims conditionally based upon the arguments presented for their parent claim(s).

Applicant's arguments were ultimately unpersuasive and, therefore, the rejections of these claims are hereby maintained.

*Claim Rejections*

5. Claims 89-93, 113-116, 126, and 128-137 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al (US 2004/0139228 A1, hereinafter Takeda01); and in further view of Takeda ("Symmetric NAT Traversal using STUN", June 2003; hereinafter Takeda02).

Regarding claim 89, the Takeda01 system teaches a communication system (Figure 16A-16D) comprising a first information processor (host/cam 629), a second information processor (client/browser 630), a first communication control unit for controlling the communication of the first information processor (NAT 1602), a second communication control unit for controlling the communication of the second information processor (NAT 1604), and a server for establishing communication between the first and second information processors (STUN server 622) (Takeda01: Figures 16A-16D); wherein A first information processor (Figure 16A, item 629) includes:

a reference port receiver for receiving reference port information showing a position of a reference port of the second communication control unit, the reference port being a reference for transmission of a bubble packet transmitted for leaving a transmission record in the first communication unit (Takeda01: Figure 16A, 1608; [0193] server 629 receives NAT address/port pair mapping and NAT type of the client 630 via STUN server);

a bubble packet transmitter for transmitting the bubble packet a destination bubble packet transmitting port of the second communication control unit via the first communication control unit in accordance with the reference port information (Takeda01: Figure 16B, step 1610-1616 breakout packets; [0194]);

a detection packet transmitter for transmitting a port detection packet to the server in order to detect a position of a bubble packet transmitting port of the first communication control unit, which is used in transmission of the bubble packet (Takeda01: Figure 16A, step 1607A; [0192]-[0194] server 629 sends packets to determine NAT address/port pair and NAT type, including port delta);

a reply packet receiver for receiving a reply packet transmitted from the second information processor via the second communication control unit to the bubble packet transmitting port (Takeda01: Figure 16C, 1630-1636; [0200]-[0202] for receiving back reply);

a second information processor (Figure 16A, item 630) includes:

a reference port detection packet transmitter for transmitting a reference port detection packet for detecting the position of the reference port (Takeda01: Figure 16A,



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1607B; [0192]-[0193] client 630 sends packets to determine NAT address/port pair mapping and NAT type, including port delta);

a bubble packet transmitting port information receiver for receiving bubble packet transmitting port information showing the position of the bubble packet transmitting port (Takeda01: Figure 16A, 1610; [0192]-[0193] client 630 receives NAT address/port pair mapping and NAT type of the server 629 via STUN server);

a reply packet transmitter for transmitting a reply packet to the bubble packet transmitting port which is shown by the bubble packet transmitting port information via a reply packet transmitting port of the second communication control unit, the reply packet transmitting port including the destination bubble packet transmitting port (Takeda01: Figure 16C, 1630-1634; [0200]-[0202] for sending breakout reply); and

A server (Figure 15a, item 622) includes:

a reference port detector which receives the reference port detection packet transmitted from the second information processor for detecting the position of the reference port in accordance with the reference port detection packet (Takeda01: Figure 16A, 1607B; [0192]-[0193] STUN server receives packet from client 630 and identifies NAT type and port/address pair of client 630); and

a reference port transmitter for transmitting reference port information showing the position of the reference port detected by the reference port detector to the first information processor (Takeda01: Figure 16A, 1608; [0192]-[0193] STUN server sends server 629 the NAT type and address/port pair of client 630);

a bubble packet transmitting port detector which receives the port detection packet transmitted from the first information processor for detecting the position of the bubble packet transmitting port in accordance with the port detection packet (Takeda01: Figure 16A, 1607A; [0192]-[0193] STUN server receives packet from server 629 and identifies NAT type and port/address pair of server 629);

a bubble packet transmitting port transmitter for transmitting the bubble packet transmitting port information to the second information processor (Takeda01: Figure 16A, 1610; [0192]-[0193] STUN server sends client 630 the NAT type and address/port pair of server 629); and

wherein the reply packet transmitter transmits the reply packet to the bubble packet transmitting port by using N different ports (N being an integer of 2 or more) (Takeda01: Figure 16C; [0200]-[0202] provides for use of ports 49154 (NAT 1604) and 50014 (NAT 1604)).

While Takeda01 teaches that the reply packets may be in plural (Takeda01: Figure 16c; items 1630-1636; [0199]), he fails to explicitly recite a plurality of packets from a plurality of ports of the communication control unit, to a single port.

Takeda02, in a similar field of endeavor, teaches a plurality of packets from a plurality of ports of the communication control unit, to a single port (Takeda02: section 6.4, TRY listing, TRY 1 and TRY 5, for example).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Takeda02 for sending multiple packets from multiple ports of the NAT to a single address/port pair. The teachings of Takeda02,

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when implemented in the Takeda02 system, will allow one of ordinary skill in the art to have for each endpoint, for each N ports, send N packets to N predicted breakout ports. One of ordinary skill in the art would be motivated to utilize the teachings of Takeda02 in the Takeda01 system in order to completely ensure that a breakout failure does not occur because, for instance, multiple applications behind the same NAT are attempting breakouts simultaneously.

Regarding claim 90, the Takeda01/Takeda02 system teaches wherein the detection packet transmitter transmits the port detection packet in the first information processor before or after the bubble packet transmitter transmits the bubble packet (Takeda01: Figure 16A before Figure 16B; See also [0192]-[0194]).

Regarding claim 91, the Takeda01/Takeda02 system teaches wherein the bubble packet transmitting port detector detects the position of the bubble packet transmitting port by using the port number differential of the first communication control unit in the server (Takeda01: [0198]-[0200] provides NAT 1602's delta can be used to predict the breakout packet transmitting port).

Regarding claim 92, the Takeda01/Takeda02 system teaches wherein the first information processor further includes:

a port number differential detection packet transmitter for transmitting a port number differential detection packet for detecting the port number differential in the first

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communication control unit via the first communication control unit (Takeda01: Figure 16A, 1607A; [0192] provides the server 629 sends the STUN server its NAT info, including port delta);  
and wherein the server further includes:

a port number differential detector which receives the port number differential detection packet for detecting the port number differential of the first communication control unit in accordance with the port number differential detection packet (Takeda01: Figure 16A, 1607A; [0192] provides the STUN server receives the server 629 NAT info packet, including port delta); and

wherein the bubble packet transmitting port detector detects the position of the bubble packet transmitting port by using the port number differential detected by the port number differential detector (Takeda01: [0192]-[0195] provides the STUN server can predict the break out port).

Regarding claim 93, this claim contains limitations found within that of claim 92 and the same rationale of rejection is used, where applicable.

Regarding claim 113, this server claim contains limitations found within that of claim 89, and the same rationale of rejection is used, where applicable.

Regarding claim 114, this server claim contains limitations found within that of claim 91, and the same rationale of rejection is used, where applicable.

Regarding claim 115, this server claim contains limitations found within that of claim 92, and the same rationale of rejection is used, where applicable.

Regarding claim 116, this server claim contains limitations found within that of claim 92, and the same rationale of rejection is used, where applicable.

Regarding claim 126, this server method claim contains limitations found within that of claim 89, and the same rationale of rejection is used, where applicable.

Regarding claim 128, the Takeda01/Takeda02 system teaches further comprising:

a detecting port detecting step for detecting the port position of the communication control unit through which the port detection packet has passed in accordance with the port detection packet (Takeda01: Figure 16A, 1607B; [0193] provides the STUN server detects the NAT type and address/port information, including delta, of client 630); and

a detecting port information transmitting step for transmitting detecting port information showing the port position detected in the detecting port detecting step (Takeda01: Figure 16A, 1608; [0193], STUN server relays the NAT info of client 630 to server 629).

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Regarding claim 129, the Takeda01/Takeda02 system teaches wherein the plurality of reply packet transmitting ports are newly assigned in the second communication control unit when transmitting the reply packet (Takeda01: Figures 16B-16C; [0194]-[0202] provides the NAT 1604 has not prior sent a packet to port 50014 from port 49154).

Regarding claim 130, the Takeda01/Takeda02 system teaches wherein the bubble packet transmitter transmits the bubble packet to a port which is assigned based on the reference port and a specified number L (L being an integer) (Takeda01: Figure 16B; [0194]-[0196] provides it users reference plus the delta for target ports).

Regarding claim 131, the Takeda01/Takeda02 system teaches wherein a number of the plurality of reply packet transmitting ports is greater than or equal to the number L (Takeda01: [0192] provides the delta is 2; Takeda02: section 6.4, TRY listing TRYs 1 and 5).

Regarding claim 132, this server method claim contains limitations found within that of claim 129, and the same rationale of rejection is used, where applicable.

Regarding claim 133, this server method claim contains limitations found within that of claim 130, and the same rationale of rejection is used, where applicable.

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Regarding claim 134, this server method claim contains limitations found within that of claim 131, and the same rationale of rejection is used, where applicable.

Regarding claim 135, this server method claim contains limitations found within that of claim 129, and the same rationale of rejection is used, where applicable.

Regarding claim 136, this server method claim contains limitations found within that of claim 130, and the same rationale of rejection is used, where applicable.

Regarding claim 137, this server method claim contains limitations found within that of claim 131, and the same rationale of rejection is used, where applicable.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY NICKERSON whose telephone number is (571)270-3631. The examiner can normally be reached on M-Th, 9:00am - 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. N./  
Examiner, Art Unit 2442

/GLENTON B BURGESS/  
Supervisory Patent Examiner, Art  
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